

*Thirty-sixth Annual Report*

Maryland State Board  
*Of*  
Motion Picture Censors



1951-1952

Offices  
848 NORTH HOWARD STREET  
Baltimore-1, Maryland

785750

*Thirty-sixth Annual Report*  
**Maryland State Board**  
*Of*  
**Motion Picture Censors**

1951-1952

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**SYDNEY R. TRAUB**  
Chairman

**EVA M. HOLLAND**  
Vice-Chairman and Treasurer

**WALTER S. RINGLER**  
Secretary

**ELMER P. BUTZ**  
Administrative Assistant

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Offices  
848 NORTH HOWARD STREET  
Baltimore-1, Maryland

HONORABLE THEODORE R. MCKELDIN,  
*Governor of Maryland,*  
Annapolis, Maryland

Dear Governor McKeldin:

In compliance with law and custom, the Maryland State Board of Motion Picture Censors has the honor to present herewith its 36th Annual Report for the fiscal year ending June 30, 1952. Details of the number of films examined and the action taken thereon, together with a statement of receipts and disbursements fully appear in the report.

#### **Work of the Board**

The Board examined 2,215 original subjects, comprising 8,897 reels, or 7,261,109 feet of film—a record high. In addition, 18,206 duplicate films, comprising 70,668 reels, or 55,834,369 feet of film passed through the department. The results of the examination of all original films submitted disclose that 2,169 were approved, 2 were rejected and 44 were subject to eliminations. No appeal from any of the Board's decisions was taken to court.

#### **Financial Statement**

The year shows gross receipts of \$82,343—the greatest amount realized from motion picture censorship since its inception in Maryland 36 years ago. Nevertheless the net operating profit of \$26,671.71 was less than the record high net of \$33,762.37, established by the Board two years ago. This was entirely due to the overall salary increase of more than \$6400 granted to the Board's thirteen employees and the advanced cost of supplies and equipment. The all-time net income now amounts to \$531,626.24.

#### **Inspections**

Because of an automobile regularly allotted to this Board for the first time in its history on August 16, 1951, the total number of inspections of the State's 266 theatres increased from 4,397 in the 1950-51 fiscal year to 5,774 in the 1951-52 fiscal year. The latter number would have been substantially increased had the car been made available at the very beginning of the fiscal year.

As a result of these inspections coupled with the Board's campaign to have its official seal appear on all approved films and the duplicates thereof, as the law requires, numerous films were found or reported to the Board as either lacking such seal in its entirety or carrying only a part seal—the remainder having been destroyed because of long use or otherwise. For furnishing and replacing seals in such instances, fees aggregating \$1,733 were collected.

## Prosecutions

While this Board has endeavored to keep out of court as much as it properly and consistently could, it became necessary to obtain a show-cause order on a Baltimore City exhibitor for playing an old picture over a period of four consecutive days without an approval seal. In aggravation of the violation, the exhibitor completely ignored the Board's letter requesting an explanation for his having shown the film without such seal. In spite of the foregoing, a substitute magistrate, much to the amazement of the Board, dismissed the offending exhibitor.

## Attacks on Film Censorship

The United States Supreme Court has recently held in a case involving the film called "The Miracle" that censor boards cannot reject or delete a picture for *sacrilege*. The Maryland Act requires that the Board do so. In a subsequent ruling on an interracial picture entitled "Pinky," the Supreme Court reversed the Texas Criminal Court of Appeals, which had upheld a censor's ban of the film, but contented itself by merely giving a *per curiam* opinion. Justice Frankfurter, speaking for himself, appended a memorandum to the reversal order stating that a film cannot be censored where the basic statute is too vague and indefinite. An ordinance gave the censor of a town in Texas the right to reject films that, in his judgment, were prejudicial to the best interests of the community. Your Excellency will note that the Maryland statute is stronger and far more definite than the foregoing ordinance.

Shortly following these judicial pronouncements, the Honorable Hall Hammond, Attorney General of Maryland, voluntarily advised the Board, in part, as follows:

"... The mass and cumulative effect of these decisions upon the Maryland statute would seem to leave it without force and the Board without power, except as to films which are obscene or indecent. Clearly, the Board may not ban a film which, in its opinion, is sacrilegious, and it seems almost as clear that it could not ban such of those 'as tend in the judgment of the Board to debase or corrupt morals or incite to crimes.' This leaves in the statute only the words 'obscene, indecent, inhuman or immoral.' We take it that 'inhuman' pictures will rarely be a problem. We take it further that even though we said in 34 Opinions of the Attorney General, 100 (supra), 'While it is true that immorality is not necessarily confined to matters sexual in their nature, seemingly in the Maryland statute, as is customarily the case it is limited to that which is *contra bonos mores*, or inconsistent with rectitude or purity, or wicked or vicious or licentious,' nevertheless, under the recent decisions of the Supreme Court, immorality must be given a more restricted meaning and one no broader than the equivalent of obscene or indecent. It

seems clear from the Court's opinions that the opinion of a Board of Censors cannot stand as a constitutional basis for a previous restraint unless the standard set for the Board by the Legislature is definite and its range of discretion is rigidly limited. The Board's idea of what is moral or proper, or conversely, immoral or improper, cannot control and be effective within constitutional limits. The film which is prohibited must be, as we see it, obscene or indecent.

"... It is our opinion, therefore, that the Board may now restrict the showing of a film only if it is obscene or indecent in the sense generally 'heretofore known to the law.' ... The Maryland statute, as presently drawn, was not intended to meet the test of constitutionality now required by the Supreme Court decisions. It is in no sense a tightly drawn or limited statute."

Within several days of the Board's receipt of the above opinion, a majority of the five judges of the Appellate Division of the New York State Supreme Court held, in sustaining the state's censorship ban of a picture captioned "La Ronde," on the grounds that it was "immoral" or "tended to corrupt morals," that except for "sacrilege," the United States Supreme Court's decisions left the New York statute basically intact and valid. The New York and Maryland statutes are identical in providing that films shall be disapproved if they are found to be sacrilegious, obscene, indecent, inhuman or immoral, or if they tend to debase or corrupt morals or incite to crime.

Generally, the motion picture industry has indicated that the United States Supreme Court's rulings are not complete and that further court tests will have to be made. Moreover, since rendering his opinion, Mr. Hammond has been quoted in the press as stating that the legality of the Maryland statute "must be decided on a picture by picture basis."

In the face of the confusion precipitated by these conflicting rulings and statements, the Board adopted the position that it will continue to judge pictures within the limits defined by the Maryland Act, excepting such as cannot be banned or deleted on *sacrilegious* grounds, until such time as the proper tribunals may hold to the contrary.

The Attorney General has likewise seen fit to refer the matter to the Legislative Council. It may be that new legislation is essential to the preservation of motion picture supervision in this State, and if so, the Board stands ready to help in every possible way. Its members are convinced that censorship in the 225 states and municipalities has unquestionably had the effect of severely limiting the production of salacious pictures, and that without such legalized supervision and control, Maryland and the rest of the country can expect the exhibition of sensational and unwholesome pictures beyond anything that has ever appeared on the screen. It was the indecent and immoral type of film in the early part of this century that caused nation-wide protests and demonstrations

to the end that state and city censorship laws were enacted in the most populous American communities, as well as in England, Australia and Canada. Critics of censorship harp on the fact that Hollywood has its own production code which, they claim, amply protects the public, particularly children, against the showing of indecent pictures. The true situation is that certain Hollywood companies, faced with intense competition within their own ranks, in addition to the scare of television, have been recently deviating from the code to which they have long been signatory parties, on the ground that it has outlived its usefulness and that a new code should be adopted which will enable them to get away from producing what Mr. Samuel Goldwyn has termed "pollyanna and fairy-tale pictures." Aside from the Hollywood effort to break down the existing code, it should be carefully noted that there are many foreign and domestic producers who have never been signatory parties to the subject code, nor have they ever subscribed thereto. They have been free to produce whatever films they pleased, and consequently their productions have frequently crossed the border line of decency and morality. Despite the fact that the Hollywood Production Code Authority and the Motion Picture Association of America have absolutely no control over these producers and their pictures, the latter is now crying out against official censorship, and aided and abetted by certain newspapers, is clamoring in and out of our courts for a free screen.

Increasing numbers of Maryland citizens and organizations are advising this Board that they oppose the so-called free screen sought by the special interests in question. Like the Board, they believe that a free screen does not include obscenity, immorality and inciting to crime. Like the Board, they believe that freedom of the screen is not synonymous with the complete lack of regulation.

Respectfully submitted,

SYDNEY R. TRAUB, *Chairman*

EVA M. HOLLAND, *Vice-Chairman*

WALTER S. RINGLER, *Secretary*

August 31, 1952

# MARYLAND STATE BOARD OF MOTION PICTURE CENSORS

For the Fiscal Year Ended June 30, 1952

## Receipts

### Fees:

Original Reels—35 MM (7,199,998 ft.).....	\$16,174.00	
Original Reels—16 MM ( 61,111 ft.).....	328.00	
Original Reels—16 MM (Reversible) .....		\$16,502.00
Duplicate Reels—35 MM (55,834,369 ft.).....	\$63,358.00	
Duplicate Reels—16 MM		
Duplicate Reels—16 MM (Reversible) .....		\$63,358.00
Sale of Substitute Seals (2,483).....	2,483.00	
		\$82,343.00
Deposited to Credit of State Treasurer.....		\$82,343.00

## Expenses

### Salaries:

Board Members .....	\$ 6,416.65	
Other Employees .....	39,759.77	
		\$46,176.42

### Other Expenses:.....

Repairs .....	\$ 84.00	
Motor Vehicle Repairs.....	93.81	
Light, Heat, Power and Water.....	303.20	
Traveling .....	1,262.71	
Communication .....	653.69	
Printing .....	76.34	
Contractual, Film Seals.....	3,299.94	
RCA Inspection Service.....	329.16	
Office Supplies .....	1,216.56	
Motor Vehicle Supplies.....	323.04	
Motion Picture Machine Supplies.....	168.40	
Office Equipment .....	275.00	
Motor Vehicles .....	1,323.05	
Motion Picture Machine Equipment.....	28.05	
Insurance .....	57.92	
		\$ 9,494.87
		\$55,671.29

## Budget Account (Per Comptroller)

Appropriation, 1952 .....	\$58,872.00	
		\$58,872.00
Less Reversion To Reserve Fund.....		3,200.71
General Fund Disbursement.....		\$55,671.29

**MARYLAND STATE BOARD OF MOTION PICTURE CENSORS**  
**TABLE SHOWING TOTAL ANNUAL RECEIPTS AND DISBURSEMENTS**  
**TOGETHER WITH THE AMOUNTS REVERTING TO**  
**THE STATE TREASURY**

October 1, 1920 — June 30, 1952

	Receipts	Disbursements	Amount Reverting to State Treasury
10-1-20 to 9-30-21.....	\$ 26,488.33	\$ 19,025.26	\$ 7,463.07
10-1-21 to 9-30-22.....	26,866.90	19,842.12	7,024.78
10-1-22 to 9-30-23.....	27,059.51	19,892.93	7,166.58
10-1-23 to 9-30-24.....	26,338.50	20,730.44	5,608.06
10-1-24 to 9-30-25.....	29,249.50	22,207.24	7,042.26
10-1-25 to 9-30-26.....	30,207.92	22,662.82	7,545.10
10-1-26 to 9-30-27.....	32,498.55	24,883.80	7,614.75
10-1-27 to 9-30-28.....	38,165.57	27,734.69	10,430.88
10-1-28 to 9-30-29.....	44,486.27	32,937.76	11,548.51
10-1-29 to 9-30-30.....	38,954.98	31,718.26	7,236.72
10-1-30 to 9-30-31.....	35,245.85	31,816.79	3,429.06
10-1-31 to 9-30-32.....	35,637.44	32,158.81	3,478.63
10-1-32 to 9-30-33.....	35,152.34	34,207.93	944.41
10-1-33 to 9-30-34.....	36,563.00	27,174.49	9,388.51
10-1-34 to 9-30-35.....	39,463.00	27,577.76	11,885.24
10-1-35 to 9-30-36.....	44,073.00	28,927.98	15,145.02
10-1-36 to 9-30-37.....	49,293.00	28,855.10	20,437.90
10-1-37 to 9-30-38.....	48,659.00	30,197.34	18,461.66
10-1-38 to 9-30-39.....	50,180.00	30,302.92	19,877.08
10-1-39 to 9-30-40.....	53,180.00	29,598.72	23,581.28
10-1-40 to 9-30-41.....	55,877.00	30,347.18	25,529.82
10-1-41 to 9-30-42.....	55,561.00	31,135.92	24,425.08
10-1-42 to 6-30-43.....	39,828.00	22,578.29	17,249.71
7-1-43 to 6-30-44.....	55,585.00	35,112.59	20,472.41
7-1-44 to 6-30-45.....	55,054.00	35,090.08	19,963.92
7-1-45 to 6-30-46.....	59,396.00	35,802.90	23,593.10
7-1-46 to 6-30-47.....	65,961.00	42,150.48	23,810.52
7-1-47 to 6-30-48.....	72,832.00	44,814.74	28,017.26
7-1-48 to 6-30-49.....	78,606.00	47,468.24	31,137.76
7-1-49 to 6-30-50.....	82,328.00	48,565.63	33,762.37
7-1-50 to 6-30-51.....	79,885.00	47,689.30	32,195.70
7-1-51 to 6-30-52.....	82,343.00	55,671.29	26,671.71
	<hr/> \$1,531,018.66	<hr/> \$1,018,879.80	<hr/> *\$512,138.86

\* The above amount reverting to State Treasury does not include \$19,487.38 for period 6-1-16 to 9-30-20.



# MARYLAND STATE BOARD OF MOTION PICTURE CENSORS

## REPORT OF FILMS EXAMINED

July 1, 1951 — June 30, 1952

1951	Films Original	Films Duplicate	Reels Original	Reels Duplicate	No. of Ft. Original	No. of Ft. Duplicate	Films Approved	Films Rejected	Films Elimi- nated
July .....	174	1,412	861	5,624	699,049	4,587,819	1,521	1	64
August .....	206	1,707	890	7,303	749,576	5,023,492	1,885	0	28
September .....	199	1,458	722	5,608	593,254	4,440,592	1,642	0	15
October .....	210	1,643	906	6,495	729,753	5,205,264	1,833	0	20
November .....	173	1,652	662	6,645	546,573	5,302,170	1,784	0	41
December .....	165	1,355	617	4,836	491,928	3,827,352	1,514	0	6
1952									
January .....	208	1,658	798	6,551	660,927	5,211,232	1,835	0	31
February .....	181	1,506	638	5,315	508,162	4,256,154	1,680	0	7
March .....	178	1,368	829	5,604	671,751	4,491,866	1,539	0	7
April .....	194	1,489	792	5,436	638,985	4,321,780	1,662	0	21
May .....	175	1,524	659	5,642	532,558	4,506,345	1,681	1	17
June .....	152	1,434	523	5,559	438,593	4,660,303	1,582	0	4
Totals .....	2,215	18,206	8,897	70,668	7,261,109	55,834,369	20,158	2	261

**MARYLAND STATE BOARD OF MOTION PICTURE CENSORS**  
**CLASSIFICATION OF FILMS**

July 1, 1951 — June 30, 1952

1951	Dramas	Comedies	News	Cartoons	Adver- tising	Miscel- laneous
July .....	601	144	743	75	7	16
August .....	643	188	929	137	9	7
September .....	526	233	729	146	10	13
October .....	634	228	825	158	8	0
November .....	633	168	827	184	13	0
December .....	450	230	728	106	6	0
<b>1952</b>						
January .....	640	230	812	159	19	6
February .....	514	198	836	125	13	1
March .....	548	192	735	62	8	1
April .....	511	210	815	127	18	2
May .....	531	210	825	115	12	6
June .....	548	194	721	99	19	5
<b>Totals .....</b>	<b>6,779</b>	<b>2,425</b>	<b>9,525</b>	<b>1,493</b>	<b>142</b>	<b>57</b>

**SUMMARY OF REPORT**

Films, Original .....	2,215			
Films, Duplicate .....	18,206			
Reels, Original .....		8,897		
Reels, Duplicate .....		70,668		
Number of Feet, Original.....			7,261,109	
Number of Feet, Duplicate....			55,834,369	
Films Approved .....				20,158
Films Rejected .....				2
Films Eliminated .....				261
<b>Totals .....</b>	<b>20,421</b>	<b>79,565</b>	<b>63,095,478</b>	<b>20,421</b>